

Message Text

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ACTION EUR-25

INFO OCT-01 EA-11 ISO-00 FEA-02 SSO-00 NSCE-00 USIE-00

INRE-00 EURE-00 AEC-11 AID-20 CEA-02 CIAE-00 CIEP-03

COME-00 DODE-00 EB-11 FPC-01 H-03 INR-11 INT-08 L-03

NSAE-00 NSC-07 OMB-01 PM-07 RSC-01 SAM-01 SCI-06

SP-03 SS-20 STR-08 TRSE-00 FRB-03 PA-04 PRS-01 DRC-01

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FM AMEMBASSY BRUSSELS

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INFO AMEMBASSY BONN

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

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AMEMBASSY OTTAWA

AMEMBASSY ROME

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

AMEMBASSY PARIS

AMEMBASSY STOCHOLM

AMEMBASSY BERN

AMEMBASSY VIENNA

AMEMBASSY MADRID

AMEMBASSY CANBERRA

AMEMBASSY WELLINGTON

USMISSION OECD PARIS

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C O N F I D E N T I A L BRUSSELS 6754

E.O. 11652: GDS

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TAGS: ENRG

SUBJECT: ECG - WORKING GROUP ON INTERNATIONAL ENERGY PROGRAM

1. ECG WORKING GROUP BEGAN WORK AFTERNOON OF SEPTEMBER 3 ON DRAFTING OF LEGAL TEXT OF INTERNATIONAL ENERGY PROGRAM.

2. AT SUGGESTION OF ECG CHAIRMAN DAVIGNON, WORKING GROUP UNDER CHAIRMANSHIP OF RIBERHOLDT (DENMARK) BEGAN BY TAKING UP GENERAL COMMENTS ON CHAPTER I - IV, WHICH WERE THEN REFERRED TO SUB-WORKING GROUP FOR REFINEMENT OF DETAILS.

3. PLENARY WORKING GROUP THEN PROCEEDED TO CHAPTER XI OF DANISH DRAFT CONCERNING ENTRY INTO FORCE, ACCESSION OF NEW MEMBERS, ETC. MAJOR DIFFERENCES OF VIEW EMERGED EARLY IN THIS DISCUSSION OVER THE FORM AND NATURE OF IEP AGREEMENT. JAPAN, UK, CANADA, AND, TO LESSER EXTENT, GERMANY VOICED STRONG OBJECTSIONS TO DANISH DRAFT INSOFAR AS IT CONSITITUES SELF-CONTAINED AND LEGALL BINDING AGREEMENT WHICH WOULD COME INTO FORCE AND CREATE NEW ENERGY AGENCY EVEN IF NO ACTION WERE TAKEN BY OECD COUNCIL.

4. JAPANESE PROBLEM IS CLEARLY LINKED TO DOMESTIC POLITICAL SITUATION WHICH LEADS THEM TO WANT TO AVOID GOING TO THE DIET WHICH THEY SAY WOULD BE REQUIRED FOR AN INDEPENDENT AGREEMENT EVEN THOUGH IT PROVIDED FOR PROVISIONAL ENTRY INTO FORCE PENDING OECD COUNCIL ACTION. JAPANESE, THEREFORE, WNAT TO CREATE AGENCY AND PROGRAM ENTIRELY BY OECD COUNCIL DECISION. RIBERHOLDT BELIVES ON BASIS OF LONG DISCUSSION WITH JAPANESE THEY WISH TO AVOID ANY BINDING COMMITMENT. THIS MIGHT PROMPT US TO QUESTION BINDING EFFECT OF OECD COUNCIL DECISION ON JAPAN ABSENT DIET APPROVAL.

5. UK POSITION IS LESS CLEARLY FOCUSSED. BRITISH SEEM TO PREFER THEIR VERSION OF A MEMORANDUM OF UNDERSTANDING WHICH THEY DESCRIBE AS MORALLY, ALTHOUGH NOT LEGALLY, BINDING ON GOVERNMENTS AND WHICH THEREFORE WOULD NOT NEED SPECIFIC APPROVAL BY PARLIAMENT. BRITISH DELEGATION (EGERTON) SUGGESTED THAT THIS ROUTE BE PURSUED IN INTERESTS OF SPEED AND NEED TO GET EMERGENCY PROGRAM IN PLACE ASAP.
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PRESUMABLY, BRITISH WOULD BECOME LEGALLY BOUND BY OECD COUNCIL DECISION, BUT WHETHER THIS WOULD REQUIRE PARLIAMENTARY APPROVAL IS UNCLEAR. MORE TROUBLING IS UK EFFORT TO GUT PROGRAM OF VIRTUALLY ALL ELEMENTS OF COOPERATION EXCEPT ON EMERGENCY MEASURES. ALTHOUGH WORKING GROUP HAS NOT YET GOTTEN INTO SUBSTANCE OF CHAPTER ON LONG-TERM COOPERATION, UK DELEGATION HAS ALREADY EXPRESSED STRONG RESERVATIONS RE LONG-TERM PROGRAM AS OUTLINED IN DANISH

DRAFT.

6. CANADIAN POSITION IS VERY MURKY AND MAY SIMPLY REFLECT FACT THAT DELEGATION HEADED BY JUNIOR REP TO OECD. CANADIAN DELEGATION APPEARS HAVE NO SPECIFIC INSTRUCTIONS ON POINTS OF SUBSTANCE BUT HAS EXPRESSED GENERAL RESERVATION ON COMPLEXITY OF DRAFT, STATED PREFERENCE TO ESTABLISH IEP SIMPLY BY ACTION OF OECD COUNCIL, AND SAID THEY OPPOSE ANY MAJOR COMMITMENT UNDER LONG-TERM CHAPTER.

7. GERMAN POSITION SEEMS TO BE PRIMARILY ONE OF TIMING AND NON-CONFRONTATION VIS-A-VIS FRANCE AND OECD. THEY SEEM COMMITTED TO IEP, AND HAVE GIVEN US STRONG SUPPORT ON MANY ASPECTS OF PROGRAM, BUT WOULD PREFER LEAVING ADOPTION ENTIRELY TO OECD UNTIL IT IS OBVIOUS THAT OECD WILL NOT OR CANNOT TAKE NECESSARY ACTION. WHAT GERMANS WOULD PROPOSE THEREAFTER, AND WHEN, REMAINS UNCLEAR, ALTHOUGH THEY SEEM WILLING TO THEN PROCEED TO SET UP PROGRAM OUTSIDE OECD.

8. U.S. DELEGATION HAS STRESSED FREQUENTLY AND UNEQUIVOCALLY THAT IEP (INCLUDING LONG TERM COOPERATION) MUST BE EMBODIED IN OBLIGATIONS LEGALLY BINDING ON GOVERNMENTS AND MUST COME INTO FORCE, EVEN IF PROVISIONALLY, PROMPTLY. U.S. DEL HAS SAID IEP MUST NOT BE PLACED IN HOSTAGE TO ACTION BY OECD COUNCIL, AND THAT ECG SHOULD UNTIMATELY BE PREPARED TO PROCEED WITH IEP IN A NEW INSTITUTION OUTSIDE OECD IF NECESSARY.

9. DANISH AND ITALIAN DELEGATIONS STRONGLY SUPPORT CONCEPT OF LEGALLY BINDING AGREEMENT. WE DO NOT INTEND TO TAKE A LAST-DITCH POSITION ON THIS ISSUE, BECAUSE WE
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BELIEVE THAT SHOULD BE PRECEDED BY DISCUSSION OF WIDER IEP MEMBERSHIP (PARTICULARLY FRANCE) AND OECD POLITICAL PREPARATION, NONE OF WHICH WE CONSIDER APPROPRIATE FOR THIS WORKING GROUP. CHAIRMAN RIBERHOLDT HAS CASTIGATED APPARENT UNWILLINGNESS OF SOME DELEGATIONS TO ENTER INTO LEGALLY BINDING AGREEMENT AND TENDENCY OF SOME DELS TO REGRESS ON COMMITMENTS PREVIOUSLY AGREED IN ECG.

10. AT THIS POINT, IT APPEARS UNLIKELY THAT WORKING GROUP WILL REACH FINAL AGREEMENT ON QUESTION OF FORM AND NATURE OF AGREEMENT. RIBERHOLDT'S OBJECTIVE (WITH DAVIGNON'S CONCURRENCE) IS TO DISCUSS THIS ONCE MORE DURING COURSE OF THIS WEEK TO IDENTIFY PRECISELY NATIONAL REQUIREMENTS AND PREFERENCES ON THIS ISSUE IN ORDER THAT IT CAN BE FRUITFULLY DISCUSSED AND RESOLVED

AT SEPTEMBER 19-20 ECG.

11. SUB-GROUP WORKING ON CHAPTERS I-IV IS MAKING
PROGRESS SLOWLY, BUT NO SERIOUS PROBLEMS HAVE ARISEN AND
SUBSTANCE OF DANISH DRAFT REMAINS INTACT.FIRESTONE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ENERGY, PROGRAMS (PROJECTS), COMMITTEE MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BRUSSE06754
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740245-0274
From: BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740977/aaaacngw.tel
Line Count: 174
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAR 2002 by elyme>; APPROVED <16 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ECG - WORKING GROUP ON INTERNATIONAL ENERGY PROGRAM
TAGS: ENRG, XX
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005